

MSI Scoping Committee Mtg  
November 25<sup>th</sup>, 2019  
Barnstable Innovation Room  
9am – 1PM

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Attendance:  
\*need to confirm attendance

Name	Affiliation
Rob O'Leary	Chair
Abigale Archer	Academic
Scott Soarse	Aquaculture
Damian Parkington	Wild Fisheries
Iris Pickard	Aquaculture
Sarah Ferrara	Legislative
Chris Schillaci	State
John Kenneway	Wild Fisheries
Eli Powell	Municipal
Jacob R. Angelo	Wild Fisheries
Steve Kirk	NGO
Sean Bowen	State
Rob Curtis	Wild Fisheries
Bob Davis	Recreational Fisheries

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Rob O'Leary thanked everyone for attending and introduced a discussion on what the committee is trying to accomplish today – what really are the problems and how do we formalize recommendations around what the scoping committee has heard? Are there appropriations and resource limitations?

Dan McKiernan – Resources – Money and FTE (Full time employee counts) Caps

Schillaci circles back to the draft scoping committee report and the issues going on that requires enforcement and increase in money and employee caps – some of the recommendations that came from the strategic plan – provide support for MSOA training and subsidize the cost of the class? – if you want to be a constable you need some form of training – it costs about \$500 and if not enough towns show up DMF has to cancel the class – is there a limitation on constables because the state is not allowing the opportunity for them to be trained? – the state should have formal MOUs with every town as that is required under the NSSP.

Damian Parkington replied can a health agent be a representative of the town.

Schillaci responded to Parkington and state that if they were written in the employee list as a shellfish constable as well than they could be considered a representative

O'Leary followed Parkingotn's question and asked if there is a general DMF funding problem?

Steve Kirk reiterated O'Leary's question and stated that the main recommendation should be that the scoping committee direct more funding to the DMF. Kirk stated that there are a lot of questions within that and where the more money/funding eventually gets directed will eventually need to be hashed out. Kirk closed his statement and asked the group how do we make that recommendations actionable? Once that money is in hand how do we spend it?

Scott Soares agreed that more funding that both Kirk and O'Leary brought up but stated that there needs to be specifics on how that money is going to be spent (i.e. where those resources are spent).

Parkington proposed that the committee should work to identify the gridlock between areas that are closed and the shellfish that are coming out of relay programs, lack of funding, etc. Where is the gridlock?

McKiernan replied that this document gets into specifics for how and where that gridlock is

Schillaci followed McKiernan and stated that in this particular case we need to plainly state the specifics. We (DMF) have patrol targets we have now but we don't have the resources to expand that or even do the job efficiently. DMF is in a deficient in maintaining the current status of shellfishers even now – how do we increase that?

Sean Bowen stated that the number of mandates has been pressing down defining the Massachusetts program – requirements around 2000 became more codified and became mandatory with different inspection deals – maybe those issues are beyond our control – have patrol requirements been increase by Nssp?

Schillaci responded that the State need more participation in the Nssp if we aren't there than we aren't able to speak to our responsibilities as the state and stated that there are challenges.

Jeff Kennedy followed Schillaci's comment and stated that the model ordinance hasn't change much but enforcement by the FDA has and that is the main issue around resource funding.

Schillaci brought the conversation back to the document at hand and discussed the main recommendation under section 2 of the scoping committee document (management challenges etc.) – it is a good investment we would bring in more than we would spend

O'Leary stated that we should list the state agencies responsible for those – where should the resources be sent to specifically.

Kirk agreed with O'Leary and stated we should write what we know what the status is and report to the task force where it we think it should be sent.

Bob Davis asked for clarification on the differences between the recommendations in the document – what are the tiers to the recommendations?

Schillaci responded that there are a few things – making recommendations on the state level was a little less taboo than making them on the local level – a main recommendation is the generalization of all comments and recommendations below – the state level recommendations is what at the state we identified through comments or the DMF strategic plan or (my knowledge) that can be implemented at the state level.

Schillaci finished his response that there is no secretary of the towns but there is a secretary for the environment, there is no consolidated mean to implement needs at the local level but if we solely focus on the state level it does not address the needs for increased resources at the local level and is why we chose to separate the document the way we did for state and local recommendations.

O'Leary asked the group if there was was consensus on the first discussion point – increased state funding?

Schillaci continued and discusses the example recommendations in the document

O'Leary asked and hypothetically asked the group that from a state legislator position I am looking at this as DMF and EP need more money but what does it mean let's get more specific

Soares stated that we should increase and urge state support for state and municipal sources that address the challenges and concerns listed as long as those address those resources needed for shellfish resources.

O'Leary brought up the house ways and means and individual regulators – we need to give them more specifics about where it is going to go – environmental police budgets? State legislators can connect to that – tell them how it is going to benefit them – in terms of the recommendation we need to be specific, what agencies are getting the increased funding and where will it be going?

Schillaci worked to bring the conversation back to the document and stated that provided that increased funding supports there are specifics in the document – we need to increase current responsibilities – if DMF gets those resources the document helps point to what is needed

Parkington responded that he didn't see as much in the writings of the comment – there is serious concerns about post concerns in dealing with something that is dealt with after the fact, - support should be focused on remediation and pollutants.

Schillaci responded that the point of this is to stop pollution from getting into estuaries and remediate areas and language will needed to be address that in the document – somethings trying to fit into theme area got a little lost and they will get a little clearer once organization issues are worked out - A lot of people are saying let's use shellfish to clean up nutrients in the water body but people are really saying is let's stop pollutants from entering the waterbody in the first place – lets address pollutants in a manner before they even reach the water body.

Soares reiterated that needs be addressed and that they be tied back to behavior and consistency at the local level. Historically that has not been the case – DEP has gone at commercial uses but not recreational uses (in specifics to pollutants)

Schillaci stated that state should prioritize projects on pollutants before they get into watersheds – majority is staff limited – there aren't people in the state that can run HPLCs

McKiernan point out that within the recommendations we should state that if other state agencies have the analytical capacity, we need to utilize that and point the task force to that.

McKiernan finished his thought and stated that independent testing needs to be prioritized – if regulations state they have to be tested to DMF protocol there needs to be some kind of overflow that allows testing to be done outside of the state program if they get back logged.

Schillaci responded that we need a model that address the fact that things change – we need to be specific and broad in a sense - the task force can make recommendations to agencies to require agencies to talk about how to increase capacity at all levels.

O'Leary brought the conversation to the recommendation on the table and stated– what are we recommending here – what is the bullet point?

Schillaci responded that it needs to be an evaluation of the needs and best management practices – charge the division to propose funding for what they are missing – what we need essentially is for the task force to support a model that would work.

McKiernan responded that this crosses secretaries and it is a huge challenge – what is the ask here – to develop a multi-agency or university participation to accomplish this?

O'Leary stated that there needs to be an interagency agreement – we need to have that in there as well.

Kennedy responded that if put that in there it expands our legislator

Parkington asked if that would also work to expand the funding?

Soares followed up and stated that interagency agreements are really only one example. Soares requested that the group list all examples that we don't want to isolate it just to that.

Kennedy asked the group if there was a way to add the details from the assessment report to the scoping committee report to bring in some of the references to groups/comments into this document.

McKiernan stated that if the shellfish program has a vision for how to include universities and lab capacity captured in the AC report those are great connections to make.

Davis requested that the group needed some organization on how to get this done

Schillaci stated that the task force is going to recommend that xy and z be done to accomplish and bring change and this report will hopefully get them to the point that they feel they can make specific recommendations or general recommendations.

Kirk responded that the task force is may even recommend a new committee

Parkington brought the conversation back to enforcement and restoration and asked how does it specifically work to date?

O'Leary stated that we haven't talked about the municipal side of that in terms of money – and we have glanced by the idea of fees and earmarks.

Abigail Archer responded that the extension has a binder of projects that used funds from DMF and the importance of highlighting where money went to specific projects.

McKiernan stated that stakeholders see an earmark for propagation but what happens is the legislator will put more money in and the governor will sign and veto sections and the legislator will veto and put something back in and then the governor will cut earmarks and the money actually never gets spent. But when things get tight that money gets tied up. He stated the he was unsure if there is a legislative solution to allow that money to be protected. The legislator should create a funding instrument in the state list that is not subject to annual cuts

Davis stated that the group should finish work to identify the problems and worry about the money after the recommendations are proposed.

Soares responded that the group recommendations need to be specific to shellfish resources and management.

McKiernan stated that attention needs to be brought to the funders— federal, state, ngos – the need for resource funding to address these issues and redirect funding important to shellfish communities.

Schillaci steered the conversation towards how the commonwealth should evaluate ways to support and promote resources, ensure state funding should include dedicated support for shellfishermen

Bowen responded that in terms of food safety grants for aquaculture, dedicated funding in those regards exists.

O’Leary asked the group if we should be asking for something and more specific like the cranberry industry – what is more dramatic?

Soares stated that because of the way shellfish aquaculture is divided and resources are spread amongst the two there needs to be more collaborative and cooperation for how to support as a farming activity and propagation activity – this group should recommend specific collaboration between those two agencies – ag money and fisheries money.

Archer stated that marketing is one of the things to focus on with money from MDAR.

Soares followed and stated that the state should expand the utility of the funding mechanisms, require collaborations between the three agencies

Bowen responded that the state system deals with shellfish at a very specific level and deals with a great deal of the resources

Archer put forward process concerns and questioned the group around how to go about voices being heard within the process and her concerns about how the conversation is currently being handled around the table

Schillaci discussed Archer’s point and worked to be more inclusive of voices around the table he moved onto section 1 recommendations, formalizing information sharing protocols.

McKiernan stated the need to have the ability to reach out to people in a menu driven way.

Kennedy asked if the group would want recommendation 1.1. to be granular or do we want it to be broader?

Schillaci stated that we add focus work groups.

McKiernan stated the need to modernize information available for the public

Parkington followed and reiterated the need for more roots up public discussion, adequate representation required by growers.

Archer stated to keep going with work of public engagement.

Soares responded that there is no one effort to identify where people get their best information, the state takes on the role to collect and convey information – top down and bottom up – how to get adequate outreach.

Davis stated that the constables are a common theme – is that how to get bottom up information?

Schillaci stated that the state needs a reliable means and consistency on information sharing, partnerships with constables and investment in innovative solutions.

Parkington recommended that it be mandatory that recreational license requirement should be to sign up for alerts

Davis responded that whatever system works at the state level should also work at the local level

Soares agreed with Damian that it needs to be a requirement

Eli recommend that an app be developed required to report fishing but also be used an alert system

Archer agreed that these systems being discussed are great but also highlighted the fact that a huge part of the population want nothing to do with computers

Archer put forward that recommendations towards general public education, should be a focus – conservation commission and all the commissioners know what their jobs are – What are the tools to expand education that conservation commissioners get information and are aware of shellfish – volunteers in towns are the ones that uphold the wetlands protection act – how do we help conservation commissions do the right thing?

Kirk suggested that the group recommend education broadly to boards of selectmen that are making final decisions on conditions – those folks need to be better versed in decision making and calling for education of the general public

Archer suggested it would be helpful to pick out key categories that would be involved in this

Kirk agreed and stated that the group find where that model is working well and incentivize towns to follow.

Soares agreed that there are broad education needs, but we need to focus that – there are different context areas to education.

Archer stated that WHOI Sea Grant works to put together shellfish education and to put that forward selectmen and boards – what’s similar and tailor to specific towns? A high-level recommendation could be to– think about what groups could benefit education, education for what purpose but we need to identify key groups to reach out, Campaign to increase public awareness on

Parkington – listserv info – how come those success stories aren’t more discussed?

Archer responded what venue would/could we see that in?

Schillaci responded that there are a ton of places, a bulletin, dedicated press resources, etc.?

McKiernan agreed people need to stress the success stories.

O’Leary asked what is the sweet spot between state and local management? Would it make sense in a recommendation like this to encourage communities to do this – incentivize the idea?

Schillaci stated there we can tie some strings to what exists now to get town support.

Kirk asked the group how work to get a stock assessment of recreational fisheries and incentives – nobody knows what is effective management town by town and what kind of information is being used.

Schillaci moved the conversation in recreational fisheries around nitrogen credits and the Cape 208 plan - permits can now include this idea but there few that propose this idea – Orleans is a good example and they are still not getting credit for the shellfish but town resources went into this program to mitigate resources in the pond – all under a propagation permit – if you plant shellfish under a propagation permit they must end up in a public shellfishery.

Soares asked if towns know how much is coming out for recreational harvest – you need to know what you are putting into the water and taking out?

O’Leary stated that the only part of the state that are using 208 plans is Barnstable county, we are talking about a 3 billion expenditure and this is seen as a component of that mitigation – we need to think this through clearly.

Schillaci outlined the project in Orleans – seed shellfish grows that fastest – they are taking the most amount of shellfish in that time – the operation in Orleans will turn into a seed operation, growing seed and then reselling that seed to growers in the commonwealth. This model will

create an in-state source of seed and avoid market impacts - you're not adding 9 million oysters, your adding 9 million seed to growers and they are adding those to the market.

O'Leary encourage the use, but we discourage the placement onto the market

McKiernan asked about the chance that the density has to be so great that you do risk disease

Parkington stated that communities support the idea but the last picture entry to sound the ideas is incorrect – the process needs to be slowed.

Archer asked if DMF require that shellfish grown for nitrogen mitigation only go into a recreational fishery?

Schillaci stated that Falmouth issued a license to a private grower and added protocol for what they needed for that area, if Orleans started growing quahogs for nitrogen removal it could be different, but they decided to grow oysters.

Davis asked what is it about oysters?

Archer proposed the group recommend any nitrogen mitigation efforts consider the potential effects of commercial, aquaculture and wild fisheries in towns.

Soares followed stating a credit that gets economic value or tax benefit for the removal of that nitrogen

Archer stated that there are natural resources conservation programs do this already.

Schillaci stated that the seed model works well in certain areas (benefits aquaculture and wild seed production) but Falmouth's plan works well in others, granted they do not enter the market the way they did – a lot of it depends.

Kirk stated that one of the challenges here is thinking about it holistically by the role shellfish play in the ecosystem (economic and natural)

Archer asked the group if we recommend that a task force meet to address this issue and specifically what groups should be represented and list out the specific things that they should work on.

O'Leary addressed the group and stated the conversation around the 208 plan is happening fairly quickly – it would be a mistake to say you shouldn't be doing this.

McKiernan stated that the missing attended here is DEP – fast track a working group on this

Schillaci made the point that seasonal price drops and market saturation has historically occurred independent of 208 plans. Many growers dump their product on the market in the late Fall to deal with icing issues, every single year the market deals with this issue.

Archer recommended that the SC present to the task force to get all the people into the room that need to be in the room

Schillaci proposed that agency input be collected.

McKiernan speaking as the chairman of the taskforce - let's leave this meeting today and come up with a list of names of who needs to meet on the 208 plan and serve it up to EEA

Schillaci listed names including - Brain dudley, Paige (MEPA), dmf, lisa engler (CZM), cape cod commission (andy gotley, APCC), Josh Reitsma, MAA rep, Harvester (agencies identified for how to deal with this)

Soared put the conversation back into concern about economic/market impact and that needs to be out-front and loud and clear

Archer stated that timing matters

Parkington stated that he liked the idea of giving bulletins to groups with some parameters – we have limitations in our discussion

Soares stated that our job was to collect and project what we have heard and compile recommendations

Schillaci responded and stated that we have come around to this – we have a good list of recommendations and if we clean this up and refine them and we give the task force targeted recommendations. We need to refine and add context and put them in front of state agencies

McKiernan suggested a legislative task force

Kirk put forward we prioritize what we have heard and create recommendations.

Schillaci stated we work to assign a group to make BMPs for already required MEPA review specifically for 208 plans and shellfish used under that plan

O'Leary made mention we were close to running out of time and that the group needed to get together one more time on this, early December (not the week of the 9<sup>th</sup>) – Dec 17 9-1

DRAFT